

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Application of: Guy Thomas CARTER, et al.
Application No.: To be Assigned Group Art No.:
Filed: Examiner:
For: ANTIBIOTICS AA-896
Confirmation No.:
Customer Number: 25291

Mail Stop Patent Application
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

APPLICATION FOR TRANSMITTAL UNDER 37 CFR 1.53 (b)

Transmitted herewith for filing is the patent application of the following Inventor(s): Guy Thomas CARTER; Jason Arnold LOTVIN; Leonard Alexander MCDONALD;
For: ANTIBIOTICS AA-896.

1. This new application is for a:
☒ Divisional
☐ Continuation
☐ Continuation-in-part (CIP)
2. Benefit of Prior U.S. Application(s) (35 USC 120)
This new application being transmitted claims the benefit of prior U.S. application(s)
Application Number 10/132,005 filed April 25, 2002 which claims priority from
provisional applications Application Number 60/286,401 filed on April 25, 2001,
Application Number 60/290,139, filed on May 10, 2001, Application Number 60/286,297
filed April 25, 2001, Application Number 60/290,140 filed May 10, 2001, Application
Number 60/286,402 filed April 25, 2001 and Application Number 60/290,156 filed May
10, 2001.

CERTIFICATE OF MAILING 37 CFR §1.10

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EU673382050US addressed to the Mail Stop Patent Application, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date

November 14, 2003

Daniel B. Moran

[Signature]

3. Papers enclosed which are required for filing date under 35 CFR 1.53(b):

- ☒ Pages of specification – 67 pages
- ☐ Sequence Listing – pages on
 - ☐ CD-ROM or CD-R (2 copies); or
 - ☐ Paper
- ☒ Pages of claims – 25 pages
- ☒ Page(s) of abstract – 1 pages
- Sheets of drawing – 22 pages
 - ☒ Formal
 - ☐ Informal

4. Additional papers enclosed

- ☒ Information Disclosure Statement
- ☒ Form PTO-1449
- ☐ Citations
- ☐ Statement of Biological Deposit
- ☐ Computer Readable Form of Sequence Listing
- ☐ Statement Under 37 CFR 1.821(f)
- ☒ Application Data Sheet
- ☒ Other: Preliminary Amendment

5. Declaration

- ☒ Copy from a prior application (37 CFR 1.63 (d)) is enclosed
- ☐ New declaration enclosed and executed by all inventor(s)
- ☐ New declaration not enclosed or not executed by all inventor(s)

6. Assignment

An assignment of the invention to:

Wyeth Holdings Corporation
Five Giralda Farms
Madison, NJ 07940

- ☒ was made in the prior application and recorded in PTO on April 25, 2002, Reel 012844, Frame 0109.
- ☐ is attached under separate Recordation Form Cover Sheet.
- ☐ will follow.

7. Incorporation By Reference

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Section 5 of this transmittal, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

8. Amendments

- ☐ Cancel in this application original claims of the prior application before calculating the filing fee. (At least one original independent claim is retained for filing purposes.) A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following with the highest numbered original claim in the prior application.)

9. General Authorization:

During the pendency of this application treat any reply requiring a petition for extension of time for its timely submission as containing a request therefor for the appropriate length of time. The Commissioner is hereby authorized to charge all required extension of time fees during the entire pendency of this application to Deposit Account No. 01-1300.

10. Filing Fee Calculation

| CLAIMS AS AMENDED | | | | |
|-------------------------------|------------------------|-------------------------------|--------------------------|-------------------|
| (1) FOR | (2) NUMBER FILED | (3) NUMBER EXTRA x RATE | | (4) BASIC FEE |
| | | | | \$750.00 |
| TOTAL CLAIMS | 15 | | x \$ 18.00 | |
| INDEPENDENT CLAIMS | 14 | 11 | x \$ 86.00 | 946.00 |
| MULTIPLE DEPENDENCY FEE | | | \$ 290.00 | |
| | | | Total Filing Fee: | \$1,716.00 |

11. Fee payment being made at this time: \$1,716.00

12. Method of Payment of Fees:

Charge Deposit Account No. 01-1300 in the amount of \$1,716.00.

A duplicate of this transmittal is attached.

13. Instructions as to Overpayment:

Credit any overpayment to Deposit Account No. 01-1300.

14. Authorization to Charge Additional Fees

☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. 01-1300:

☒ 37 CFR 1.16(a), (f), or (g) filing fees

☒ 37 CFR 1.16(b), (c), and (d) presentation of extra claims

☒ 37 CFR 1.16(e) surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application.

☒ 37 CFR 1.17 application processing fees

15. Relate Back (35 USC 120)

- ☐ Amend the Specification as requested in the accompanying Preliminary Amendment to insert before the first line the sentence:
--This is a divisional of copending application(s) Application Number 10/132,005 filed April 25, 2002 which claims priority from provisional applications Application Number 60/286,401 filed on April 25, 2001, Application Number 60/290,139, filed on May 10, 2001, Application Number 60/286,297 filed April 25, 2001, Application Number 60/290,140 filed May 10, 2001, Application Number 60/286,402 filed April 25, 2001 and Application Number 60/290,156 filed May 10, 2001 the entire disclosure of which is hereby incorporated by reference.--

16. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

- (a) ☒ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application is (are)
☒ the same
☐ less than those named in the prior application and it is requested that the following inventor(s) identified for the prior application be deleted in accordance with the signed statement attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)):
- (b) ☐ This application discloses and claims additional disclosure by amendment and a new declaration is being filed. With respect to the prior application the inventor(s) in this application is (are)
☐ the same
☐ the following additional inventors have been added:

17. Maintenance of Copendency of Prior Application

- (a) ☐ Extension of Time in Prior Application
☐ A petition, fee and response extends the term in the pending prior application until
☐ A copy of the petition filed in the prior application is attached.
- (b) ☐ Conditional petition for Extension of Time in Prior Application.
☐ A conditional petition for extension of time is being filed in the pending prior application.
☐ A copy of the conditional petition filed in the prior application is attached.

18. **REQUEST AND CERTIFICATION UNDER 35 U.S.C 122(b)(2)(B)(i).**

- ☐ **A request not to publish this application and certification under 35 U.S.C. 122(b)(2)(B)(i) is attached.**

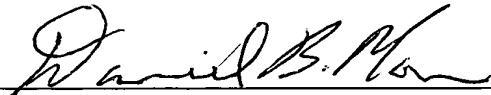
19. SEND CORRESPONDENCE TO:

Customer Number: 25291

DIRECT ALL TELEPHONE CALLS TO:

Name: Daniel B. Moran
Tel. No. (845) 602-2224

20. ☒ Return Receipt Postcard is attached.



Daniel B. Moran
Agent for Applicants
Reg. No. 41,204

Wyeth
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